PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	38-21(15060)C
First Inventor	Arlene R. Howe
Title	Assay for the Detection of Selectable Marker Expression in Plants
Express Mail Label No.	EV174254328US

10/628804 07/28/03 PTO

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

1. [✔] Fee Transmittal Form (e.g., PTO/SB/17) *(Submit an original and a duplicate for fee processing)*
2. [] Applicant claims small entity status. See 37 CFR 1.27.
3. [✔] Specification [*Total Pages* 24] *(preferred arrangement set forth below)*
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. [] Drawing(s) *(35 U.S.C. 113)* [*Total Sheets* []]
5. Oath or Declaration [*Total Pages* []]
 a. [] Newly executed (original or copy)
 b. [✔] Copy from a prior application (37 CFR 1.63 (d)) *(for continuation/divisional with Box 18 completed)*
 i. [] DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. [] Application Data Sheet. See 37 CFR 1.76
7. [] CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 a. [] Computer Readable Form (CRF)
 b. Specification Sequence Listing on:
 i. [] CD-ROM or CD-R (2 copies); or
 ii. [] paper
 c. [] Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [] Assignment Papers (cover sheet & document(s))
10. [] 37 CFR 3.73(b) Statement *(when there is an assignee)* [] Power of Attorney
11. [] English Translation Document *(if applicable)*
12. [] Information Disclosure Statement (IDS)/PTO-1449 [] Copies of IDS Citations
13. [] Preliminary Amendment
14. [✔] Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. [] Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. [] Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. [✔] Other: Copy of Notification of Filing of Continuing, Divisional or CPA

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:*

[✔] Continuation [] Divisional [] Continuation-in-part (CIP) of prior application No.: 09 / 511,826

Prior application information: *Examiner:* Anne R. Kubelik *Group Art Unit:* 1638

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

[✔] *Customer Number or Bar Code Label* 27161 *(Insert Customer No. or Attach bar code label here)* or [] *Correspondence address below*

Name					
Address					
City		*State*		*Zip Code*	
Country		*Telephone*		*Fax*	

Name (Print/Type)	Thomas P. McBride	*Registration No. (Attorney/Agent)*	32,706
Signature		*Date*	28 July 03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Practitioner's Docket No. 38-21(15060)B ***PATENT***

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Howe et al.

COPY

Application No.:	09/511,826	Group No.:	1638
Filed:	February 24, 2000	Examiner:	Anne R. Kubelik
For:	Assay for the Detection of Selectable Marker Expression in Plants		
Confirmation No.:	5309		

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF FILING OF CONTINUING, DIVISIONAL OR CONTINUED PROSECUTION APPLICATION

CERTIFICATION UNDER 37 C.F.R. sections 1.8(a) and 1.10*
*(When using Express Mail, the Express Mail label number is **mandatory**;*
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

37 C.F.R. section 1.8(a)		**37 C.F.R. section 1.10***	
☐	with sufficient postage as first class mail.	X	as "Express Mail Post Office to Address" Mailing Label No. EV174254314US **(mandatory)**

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 7/28/2003

Michelle Ludwig
Signature

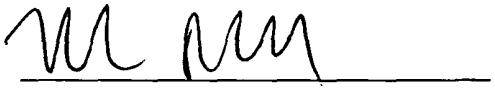
Michelle Ludwig
(type or print name of person certifying)

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"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an

Practitioner's Docket No. 38-21(15060)B

Notification is hereby being made of the filing of a continuation application for this case concurrently herewith.

Date: 28 July 07



Signature of Practitioner

Reg. No.: 32,706
Tel. No.: 636-737-7685
Fax No.: 636-737-6047
Customer No.: 27161

Thomas P. McBride
Monsanto Company
700 Chesterfield Parkway West
Mail Zone BB1L
Chesterfield, Missouri 63017

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE UNDER 37 C.F.R. §1.10

I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service on this 28 day of July, 2003 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV174254328US addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Michelle Ludwig

In re application of:	Howe et al.	)
		) Examiner: Unknown
Serial No.:	Unknown	)
		) Group Art Unit: Unknown
Filed:	July 28, 2003	)
		) Conf. No. Unknown
For:	Assay for the Detection of Selectable Marker Expression in Plants	)

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

- X Utility Patent Application Transmittal
- X Fee Transmittal for Year 2003
- X Copy of Declaration
- X Patent Application for Assay for the Detection of Selectable Marker Expression in Plants
- X Copy of Notification of Filing of Continuing, Divisional or Continued Prosecution Application
- X Please debit $1,176.00 from Deposit Account 13-4125 for the fee required with this filing.
- X Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125. A duplicate copy of this sheet is attached.

Respectfully submitted,

Thomas P. McBride
Reg. No. 32,706
Monsanto Company
700 Chesterfield Parkway West, Mail Zone BB1L
Chesterfield, Missouri 63017
(636) 737-7685
(636) 737-6047 (fax)

16638 U.S. PTO 07/28/03

Express Mail #EV174254328US

PTO/SB/17 (01-03)
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09704 U.S. PTO 10/628804 07/28/03

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 1,176.00

Complete if Known	
Application Number	Unknown
Filing Date	July 28, 2003
First Named Inventor	Arlene R. Howe
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	38-21(15060)C

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☑ Deposit Account:

Deposit Account Number: 13-4125

Deposit Account Name: Monsanto Company

The Commissioner is authorized to: *(check all that apply)*

☑ Charge fee(s) indicated below ☑ Credit any overpayments

☑ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	750.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 750.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	39	-20** = 19	x	18	= 342.
Independent Claims	4	- 3** = 1	x	84	= 84.
Multiple Dependent					=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 426.00

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) -0-

SUBMITTED BY				(Complete *(if applicable)*)	
Name (Print/Type)	Thomas P. McBride	*Registration No. (Attorney/Agent)*	32,706	*Telephone* 636-737-7685	
Signature				*Date*	28 July 03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

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